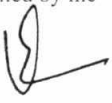
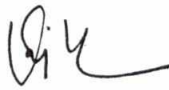


ORDER SHEET

(RULE 129 OF THE RECORDS MANUAL, 1971)

Order Sheet, dated from 17.07.2015 to .District:- Nadia.Arbitration Case No. V/Arbi/2015arising out of L. A. Case No. 79/LA/NHAI/Chak/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>1 17.07.2015</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>Whereas, it appears that 77 [Seventy Seven] awardees of <u>Jatrapur Mouza, J. L. No. 110 under P.S.- Chakdaha, Dist.- Nadia</u> 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 & Doba class of land u/s 3G of the said Act.</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 for appearing on 30.07.2015 at 12:45 PM at the Nadia Zilla Parishad Conference Hall, 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>	

number and
date of Order

Order and signature of Officer.

Note of action taken
on Order.

2
30.07.2015

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

Serial number and date of Order	Order and signature of Officer.	Note of action taken on Order.
30.07.2015	<p>Thirty Three [33] awardees in respect of Mouza Jatrapur, J. L. No. 110, P.S.- Chakdaha are found present in hearing. General Manager (Tech.) & Project Director, N.H.A.I, Kgr., Nadia & Competent Authority & Additional District Magistrate (L.A), Nadia are also present. Ld. Advocate, Subrata Poddar is present on behalf of the awardees & Ld. Advocate, Abhik Chakroborty is present on behalf of N.H.A.I.</p> <p>It is found that Seventy Seven [77] awardees have submitted arbitration petitions praying for enhancement of rate of Aush/Aman, Bari/Viti & Doba/Pukur class of land.</p> <p>On verification of Rate Report it is found that in this Mouza the basic rate of Aman/Aush was, Rs.1998286/-, the basic rate of Bari/Viti was Rs.4161515/- and the basic rate of Doba/Pukur was Rs.1628233/-.</p> <p>Ld. Advocate, Subrata Poddar submits that the rate of different classes of land of Mouza- Jatrapur have been fixed very low in comparison to the market price. Therefore he argues for its enhancement. He further wants to know the process which is followed to prepare the rate report.</p> <p>Ramlal Saha [Awardee No. 4] states that the rates of Aush/Aman, Bari/Viti & Doba/Pukur have been fixed very low. Actually at present the rate of Aush/Aman per acre is Rs.80000/- per Dec. & for Bari/Viti it is not less than 03 Lakh per Dec. Hence, the rate of all the classes should be enhanced in such a way that the land-losers are able to purchase land to compensate their loss/damage.</p> <p>Answar Ali Mondal [Awardee No. 6] states that at present the lands in this locality are not at all available for purchase. If the rate is not increased considerably, they will not be able to maintain their livelihood. Hence, he prays to increase the rate of Bari/Viti, Aush/Aman & Doba/Pukur.</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>	


Dictated,
Corrected and
signed by me



District
Magistrate,
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&
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3G[5] of N.H.
Act, 1956


Serial number and date of Order	Order and signature of Officer.	Note of action taken on Order.
30.07.2015	<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>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. But, no deed is found submitted by the awardees before me.</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 Aman/Aush, Bari/Viti & Pukur/Doba class of land with the rates of the adjacent Mouzas, i.e. Rautari, J. L. No. 109 & Narapatipara, J. L. No. 103. It is found that the arbitration hearing of Mouza Rautari, J. L. No. 109 has been completed and an arbitral rate of the class Aush/Aman & Bari/Viti have been declared as Rs.3031762/- & Rs.5809316/- per acre respectively.</p> <p>As both the Mouza, i.e. Jatrapur & Rautari are adjacent to each other and both are more or less similar in socio-economic condition having same village atmosphere, I do hereby consider that the rates of Mouza Rautari as declared in arbitration should be followed in case of the instant Mouza.</p> <p>But, in case of Doba class land, as no arbitral rate of Mouza – Rautari was declared before, I do think it proper to follow the base rate of Aush excluding 25% [which is allowed for multi crop nature] for Doba class of land.</p> <p>It is the procedure to follow the rate of adjacent plot in calculating the rate of Doba class, where sufficient sale data are not available as envisaged in Memo No. 16/SS[S]-L.A./3M-43/2000 [Pt. III] Dated, Kolkata 21st July, 2005 of L. & L.R. Deptt. On verification of map and plot index it appears that all the Doba class of plots are surrounded by Aush/Aman. Hence, considering the land value of Aush/Aman of Mouza Rautari as 135% (Average + 10% for NH connectivity + 25% for multi crop nature) rate of Doba may be assessed at the rate of 110% of the above.</p>	


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Sl number date of Order	Order and signature of Officer.	Date of action taken on Order.
30.07.2015	<p>The General Manager (Tech.) & Project Director, National Highways Authority of India, Krishnagar, Nadia agrees with the view in determination of arbitral rate.</p> <p>Hence, it is ordered that :-</p> <ol style="list-style-type: none"> 1] The rate of Aush/Aman class of land will be taken as Rs.3031762/- per acre instead of Rs.1998286/- per acre. 2] The rate of Bari/Viti will be taken as Rs.5809316/- per acre instead of Rs.4161515/- per acre. 3] The rate of Doba/Pukur will be taken as Rs. 2470324/- per acre instead of Rs.1628233/- per acre. 4] 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, Seventy Seven [77] arbitration petition 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>	

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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