

ORDER SHEET

(Rule 129 of the Records Manual, 1917)

District : **Nadia. L.A. Case No. 73 LA/NHAI/Chak/10-11**Nature of the case : **Arbitration Case No. VII-Arbi/2014**

| Sl. No. of Order | Order and signature of officer | Note of action taken on date |
|----------------------|---|------------------------------|
| 1 of 1 17.12.2014 | <p>The Arbitration Case No. VII-Arbi/2014 has been taken up for hearing at Nadia Zilla Parishad Conference Hall, Krishnanagar at about 11.00 A.M. It relates to 441 arbitration petitions of Mouza – Jay Krishnapur, P.S. – Chakdaha, to increase the value of land acquired for widening of NH-34. It appears that the notification u/s 3A of NH Act, 1956 was published on 15.12.2009 and 08.02.2010 and the declaration of award was done on 18.09.2013.</p> <p>Heard the petitioners, Ld. Advocates, who are representing some petitioners, representative of the Project Director, NHAI, PIU, Krishnanagar, Nadia, Ld. Advocate appearing for NHAI, Competent Authority, Land Acquisition (CALA), Nadia and/or his representative, Special LAO, Nadia (attendance sheet kept with the case records). Considered the oral submission of all concerned and also perused the relevant papers / documents including a few sale deeds submitted by the petitioners and also placed by the CALA.</p> <p>It is contended by the petitioners in general that the land price/value has considerably soared up in recent times, especially after acquisition of land for widening of 34 National Highway and consequently it has become very difficult for them to purchase alternative piece of land with the compensation money they have received from the Government. In support of their claim, a few of them have also produced sale deeds executed well after the publication of 3A notification.</p> <p>Perused the rate report prepared by the CALA and its methodology of preparation. The instant arbitration petitions involve land of the following classifications only: Aman/Aush, Bari/Viti, Bagan, Doba/Pukur & Khelar Math.</p> | |

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| 1 of 22.12.2014 | <p>After careful consideration of oral / written submission and other relevant facts and circumstances the rate report prepared by CALA may be re-checked and the value of land may be re-assessed.</p> <p>The basic rate of aush/aman class of land has been assessed by the CALA at Rs. 6,01,787/- per acre, which appears to be excessively lower than the per acre rate assessed for bari/viti class at Rs. 1,23,62,178/- per acre or for dokan/hotel/bagan class of land at Rs. 98,89,743/- per acre or even for dahar/rasta class of land at Rs. 61,81,089/- per acre. It may be fair, if the per acre rate of aush/aman class of land is fixed at least at Rs. 30,90,545/- i.e. 50% of the rate for dahar/rasta class in place of Rs. 6,01,787/-. It appears that there is no scope for increase of aush/aman class based on available sale deeds/figures.</p> <p>The basic rate of khelar math class of land, which has been fixed at Rs. 2,94,207/- per acre also appears to be very low. It will be fair, if it is fixed at Rs. 15,45,272/- i.e. 50% of the rate of Rs. 30,90,545/- of aman/aush class of land in place of Rs. 2,94,207/- per acre as mentioned above.</p> <p>For other classes of land viz. Bari/viti, bagan & doba/pukur, the per acre basic rates fixed at Rs. 1,23,62,178/-, Rs. 98,89,743/- & Rs. 1,23,62,178/- respectively appear to be quite reasonable. So, these rates need not be enhanced. As regards viti/bari class of land, 3 sale deeds viz 1-3077/14.8.09 (Rs.171.52 lac per acre - it is already included),1-4179/24.11.09(Rs.28.80 lac per acre) & 1-0501 /01.02.08(Rs.174.54 lac per acre) have been submitted by the petitioners during hearing for consideration. As sale deeds of that range have already been considered by the CALA for preparation of rate report, these sale deeds have not been taken into account.</p> | |

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| Serial number and Order | Order and signature of officer | Note of action taken on date |
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| <p data-bbox="167 840 303 907">No. of 12.12.2014</p> <p data-bbox="183 1232 287 1321">Received & Corrected by me</p> <p data-bbox="183 1344 287 1456"> Arbitrator</p> | <p data-bbox="351 840 718 873">So, it is hereby ordered that –</p> <ul style="list-style-type: none"> <li data-bbox="399 907 1244 974">i) The petitioners having Aman / Aush class of land will get basic price of Rs. 30,90,545 /- per acre. <li data-bbox="399 974 1244 1041">ii) The petitioners having khelar math class of land will get basic price of Rs. 15,45,272 /- per acre. <li data-bbox="399 1041 1244 1153">iii) The per acre basic rate in respect of Bari/viti, bagan & doba /pukur assessed by the CALA will remain unchanged as the rates appear to be quite reasonable. <li data-bbox="399 1153 1244 1288">iv) As per section 3H(5) of the NH Act, all the petitioners will also get interest @ 9% p.a. on the excess amount determined by the Arbitrator from the date of taking possession of land till the date of actual deposit of fund by the NHA. <li data-bbox="399 1288 1244 1433">v) 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="359 1467 925 1512">Thus, 441 arbitration petitions are disposed of.</p> <p data-bbox="359 1534 1244 1612">Let this order be communicated by the CALA to all concerned for information and compliance.</p> <p data-bbox="925 1601 1212 1859" style="text-align: right;">  (K. Moehary) Arbitrator (under NH Act, 1956) & Additional Secretary L & L.R. Department </p> | |