
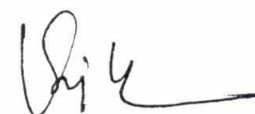


**ORDER SHEET**

(RULE 129 OF THE RECORDS MANUAL, 1971)

Order Sheet, dated from 21.07.2015 to .District:- Nadia.Arbitration Case No. VIII/Arbi/2015arising out of L. A. Case No. 20/LA/NHAI/Naka/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><u>1</u> 21.07.2015</p> <p>Dictated, Corrected and signed by me</p> <p></p> <p>District Magistrate, Nadia, &amp; Arbitrator u/s 3G[5] of N.H. Act, 1956</p>	<p>Whereas, it appears that <b>5 [Five]</b> awardees of <b>Jugpur Mouza, J. L. No. 51 under P.S.- Nakashipara, 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 Aush/Aman &amp; Bari/Viti 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 &amp; Competent Authority under the said Act to arrange for issuance of notices to the petitioners for appearing on 06.08.2015 at 11:40 AM at the Nadia Zilla Parishad Conference Hall, Krishnagar, Nadia before me to participate in the arbitration hearing.</p> <p></p> <p>[Vijay Bharti, IAS] District Magistrate, Nadia &amp; Arbitrator u/s 3G[5] of N.H. Act, 1956</p>	

Serial number and  
date of Order

Order and signature of Officer.

No

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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>Three [3] awardees in respect of Mouza Jugpur, J. L. No. 51, P.S.-Nakashipara 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 Five [5] awardees have submitted arbitration petitions praying for enhancement of rate of Aush/Aman &amp; Bari/Viti class of land.</p> <p>Umesh Chandra Dey [Awardee No. 53] states that the land value allowed for this Mouza is very low in comparison to the present market price. One Goutam Sur [Awardee No. 60] submits that the structure value allowed for his building is not just and accurate. He prays for re-measurement. I do therefore order that P.D., N.H.A.I, PIU, Krishnagar, Nadia will take appropriate action in this regard.</p> <p>On demand of the awardees, 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>Two deeds with Regd. Deed No. 23 dt.09.01.07 and 24 dt.09.01.07 in respect of Aush class of Land of the Mouza have been placed by one Swapan Sarkar [Awardee No. 36,37]. On verification, it reveals that the sale of Aush was made @ Rs.606060/- per acre and Rs.689655/-.</p>	



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Now, if the two deeds are considered and taken up for calculation of average sale price of this Mouza, it will be as follows.

Sl. No	Deed No. & Dt.	Classification	Sold Area in acres	Rate per acre in Rs.
1	03345/17.03.09	Aush	0.50	160000
2	11650/12.10.10	Aush	0.52	153846
3	12878/06.11.09	Aush	0.66	181818
4	02379/25.02.09	Aush	0.10	240000
5	02389/25.02.09	Aush	0.05	320000
6	02390/25.02.09	Aush	0.08	250000
7	09277/24.07.09	Aush	0.33	181818
8	09277/24.07.09	Aush	0.06	166666
9	08015/02.07.09	Aush	0.66	151515
10	01591/03.02.10	Aush	0.485	463917
11	23/09.01.07	Aush	0.66	400000
12	24/09.01.07	Aush	0.58	400000
<b>Total :-</b>				<b>3069580</b>

Now average rate per acre will stand Rs.255798/- [Rs. 3069580 ÷ 12] 'Aman/Aush' class of land.

Rate per acre as on the date of Notification u/s 3A of Rs. 255798 the N.H. Act.- 1956 stands

- i Additional value added by 10% having the direct-road- Rs. 25580 connectivity with the NH-34 as per schedule-I of the G.O. No. 1705-LA-3M-07/06 dt. 06.06.06 of the Principal Secy., of the Govt. of W.B., L. & L.R. Deptt.
- ii The valuation increased by 25% for multi-crop land Rs. 63950 vide G.O. No. 16/SS(S)-LA/3M-43/2000 (pt. III) dt. 21.07.05 of the Special Secy., of the Govt. of W.B, L. & L.R. Deptt.

**Total Rs. 345328.00**

Hence, Rate/ per acre of Aush class comes to Rs. **345328.00** as per above calculation.

It is a bit higher than the existing rate of Aush of this Mouza.

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 class of land with the rates of the adjacent Mouzas, i.e. Dahakula, J. L. No. 73 & Bholadanga, J. L. No. 74. It is found that the arbitration hearing of both the Mouzas has been completed and an arbitral rate of the class Aush/Aman & Bari/Viti have already been declared.

Dictated,  
Corrected and  
signed by me

  
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.
06.08.2015	<p>As both the Mouza, i.e. Jugpur &amp; Dahakula are adjacent to each other and both are more or less similar in socio-economic condition, I do hereby consider that the rates of Mouza Dahakula as declared in arbitration should be followed in case of the instant Mouza.</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 Aush/Aman class of land will be taken as <b>Rs.530078/-</b> per acre instead of Rs.299644/- per acre.</li><li>2] The rate of Bari/Viti will be taken as <b>Rs.1388458/-</b> per acre instead of Rs.1104048/- per acre.</li><li>3] 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, Five [5] 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>	

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