

ORDER SHEET

(Rule 129 of the Records Manual, 1917)

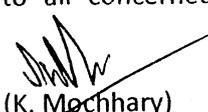
District : **Nadia. L.A. Case No. 48 LA/NHAI/Santi/10-11**Nature of the case : **Arbitration Case No. X-Arbi/2014**

Serial number and Order	Order and signature of officer	Note of action taken on date
3 of 27.12.2014	<p>The Arbitration Case No. X-Arbi/2014 has been taken up for hearing at Nadia Zilla Parishad Conference Hall, Krishnanagar at about 2.15 P.M. It relates to 58 arbitration petitions of Mouza – Kandakhola, P.S. – Santipur, 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 04.12.2009 and 08.02.2010 and the declaration of award was done on 30.06.2013.</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 & bagan/petrol pump/factory.</p>	

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3 of 12.12.2014	<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>Sale figures of Aman / Aush land pertaining to sale deeds no. 1-056 dated 05.02.2010, 1-3451 dated 03.08.2009, 1-3697 dated 10.08.2009, 1-860 dated 17.02.2010, 1-3328 dated 27.07.2009 & 1-4577 dated 19.10.2009 may be discarded being comparatively lower than the other sale figures as mentioned below to arrive at a reasonable value of land.</p> <table border="1" data-bbox="320 976 1225 1352"> <thead> <tr> <th>Mouza & JL No.</th> <th>Sl.No.</th> <th>ADSR Sl.No.</th> <th>Deed No. & Dt.</th> <th>Classification</th> <th>Sold Area in acres</th> <th>Set forth value of land in Rs.</th> <th>Rate per acre in Rs.</th> </tr> </thead> <tbody> <tr> <td rowspan="4">Kandokhola, 43</td> <td>1</td> <td>5</td> <td>1-1225 / 10.03.2010</td> <td>Aush</td> <td>0.2656</td> <td>160000</td> <td>602410</td> </tr> <tr> <td>2</td> <td>16</td> <td>1-3640 / 14.08.2009</td> <td>Aush</td> <td>0.05</td> <td>35200</td> <td>704000</td> </tr> <tr> <td>3</td> <td>17</td> <td>1-3640 / 14.08.2009</td> <td>Aush</td> <td>0.09</td> <td>64800</td> <td>720000</td> </tr> <tr> <td>4</td> <td>20</td> <td>1-3823 / 26.08.2009</td> <td>Aush</td> <td>0.0825</td> <td>60000</td> <td>727273</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td>2753683</td> </tr> </tbody> </table> <p>Average per acre land value = Rs. 6,88,421/- + 10% for having direct road connectivity = Rs. 68,842/- + 25% for being multi-crop land = Rs. 1,72,105/-</p> <p>So, per acre basic rate arrives at = Rs. 9,29,368/- in place of the rate of Rs. 6,43,532/- fixed by the CALA.</p>	Mouza & JL No.	Sl.No.	ADSR Sl.No.	Deed No. & Dt.	Classification	Sold Area in acres	Set forth value of land in Rs.	Rate per acre in Rs.	Kandokhola, 43	1	5	1-1225 / 10.03.2010	Aush	0.2656	160000	602410	2	16	1-3640 / 14.08.2009	Aush	0.05	35200	704000	3	17	1-3640 / 14.08.2009	Aush	0.09	64800	720000	4	20	1-3823 / 26.08.2009	Aush	0.0825	60000	727273								2753683	
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<p>3 of 12.12.2014</p> <p>Dictated & corrected by me</p> <p> Arbitrator</p>	<p>As regards the value of bagan/petrol pump/factory class of land, the value of Rs. 12,89,747/- per acre assessed for bari/viti class of land by the CALA may be taken as the value for the bagan/petrol pump/factory class of land as no sufficient sale figure are available with the ADSR.</p> <p>So, per acre basic rate for bagan/petrol pump/factory class of land is fixed at Rs. 12,89,747/-, in place of the rate of Rs. 10,31,798/- fixed by the CALA.</p> <p>So, it is hereby ordered that –</p> <ul style="list-style-type: none"> i) The petitioners having Aman / Aush class of land will get basic price of Rs. 9,29,368/- per acre. ii) The petitioners having bagan/petrol pump/factory class of land will get basic price of Rs. 12,89,747/- per acre. iii) 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 NHAI. iv) 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, 58 arbitration petitions are disposed of.</p> <p>Let this order be communicated by the CALA to all concerned for information and compliance.</p> <p style="text-align: right;"> (K. Mochhary) Arbitrator (under NH Act, 1956) & Additional Secretary L & L.R. Department</p>	