

**ORDER SHEET**

(Rule 129 of the Records Manual, 1917)

District : **Nadia. L.A. Case No. 75 LA/NHAI/Chak/10-11**  
Nature of the case : **Arbitration Case No. VIII-Arbi/2014**

Number of page	Order and signature of officer	Note of action taken on date
1 of 22 2014	<p>The Arbitration Case No. VIII-Arbi/2014 has been taken up for hearing at Nadia Zilla Parishad Conference Hall, Krishnanagar at about 11.50 A.M. It relates to 183 arbitration petitions of Mouza – <b>Khorgachhi, P.S. – Chakdaha</b>, 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 31.05.2013.</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) 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 &amp; Dokan.</p>	

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11.12.2014

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date

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.

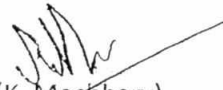
Sale figures of Aman / Aush land pertaining to sale deeds no. 1-2168 dated 11.06.2009 (2 deeds), , 1-4159 dated 23.11.2009, 1-1518 dated 01.04.2010, 1-2926 dated 03.08.2009, & 1-1308 dated 09.03.2010 may be discarded being comparatively lower than the other sale figures as mentioned below to arrive at a reasonable value of land.

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.
Khorgachhi, 115	1	26	1-4117 / 19.11.2009	Aush	0.01	15000	1500000
	2	10	1-1872 / 28.04.10	Aush	0.1575	80000	507937
Tantgachi, 113	3	29	1-4118 / 19.11.2009	Aman	0.0166	25000	1506024
	4	09	1-26689 / 15.07.09	Aman	0.1575	60000	380952
							3894913

Average per acre land value = Rs.9,73,728/-  
 + 10% for having direct road connectivity = Rs. 97,373/-  
 + 25% for being multi-crop land = Rs. 2,43,432/-

So, per acre basic rate arrives at = Rs. 13,14,533/- in place of the rate of Rs. 7,74,305/- fixed by the CALA.

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	<p>As regards the value of dokan class of land, 80% of the value assessed for bari/viti is taken as the value for the dokan class of land where no sale figure is available with the ADSR.</p> <p>So, per acre basic rate for dokan class of land arrives at = Rs. 16,37,340/-, in place of the rate of Rs. 13,33,444/- fixed by the CALA.</p> <p>So, it is hereby ordered that –</p> <ol style="list-style-type: none"><li>i) The petitioners having Aman / Aush class of land will get basic price of Rs. 13,14,533/- per acre.</li><li>ii) The petitioners having Viti / Bari class of land will get basic price of Rs. 20,44,675/- per acre.</li><li>iii) The petitioners having dokan class of land will get basic price of Rs. 16,37,340/- per acre.</li><li>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><li>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.</li></ol> <p>Thus, 183 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) &amp; Additional Secretary L &amp; L.R. Department</p>	