






**ORDER SHEET**


(RULE 129 OF THE RECORDS MANUAL, 1971)

Order Sheet, dated from 03.09.2015 to \_District:- Nadia.Arbitration Case No. XVII/Arbi/2015arising out of L. A. Case No. 39/LA/NHAI/Kri/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 data-bbox="108 483 256 551">1 03.09.2015</p> <p data-bbox="86 1025 277 1081">Dictated, Corrected and signed by me</p> <p data-bbox="118 1205 264 1541">   District Magistrate, Nadia, &amp; Arbitrator u/s 3G[5] of N.H. Act, 1956 </p>	<p data-bbox="296 483 1169 801">Whereas, it appears that <b>30 [Thirty]</b> awardees of <b>Krishnagar Mouza, J. L. No. 92 under P.S.- Kotwali, 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 Bari/Viti &amp; Bagan class of land u/s 3G of the said Act.</p> <p data-bbox="296 846 1169 1137">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 10.09.2015 at 12:45 PM at the Nadia Zilla Parishad Conference Hall, Krishnagar, Nadia before me to participate in the arbitration hearing.</p> <p data-bbox="655 1227 1114 1458">   [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.	Note of action taken on Order.
<p data-bbox="108 197 256 264"><u>2</u> 10.09.2015</p> <p data-bbox="81 376 276 434">Dictated, Corrected and signed by me</p> <p data-bbox="156 465 261 551"></p> <p data-bbox="108 568 261 792">District Magistrate, Nadia, &amp; Arbitrator u/s 3G[5] of N.H. Act, 1956</p>	<p data-bbox="293 188 1166 259">Notices are duly served. Service returns are filed with the case records.</p> <p data-bbox="836 383 991 461"></p> <p data-bbox="644 479 1112 618">[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.	Note of action taken on Order.
<p><u>3</u> 10.09.2015</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>Fourteen [14] awardees in respect of Mouza Krishnagar, J. L. No. 92, P.S.- Kotwali 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., Krishnagar are also present. Ld. Advocate, Abhik Chakroborty is present on behalf of N.H.A.I.</p> <p>It is found that Thirty [30] awardees have submitted arbitration petitions praying for enhancement of rate of Bari/Viti &amp; Dokan class of land.</p> <p>On verification of records, it reveals that the basic rate of Bari/Viti of this instant Mouza was fixed at Rs.23074427/- per acre.</p> <p>One Khokan Ghosh owner of Joypur Marble House submits that the rate of Dokan allowed for Mouza Krishnagar is very low and therefore should be enhanced.</p> <p>Therefore he prays for reconsideration of the rate. He further wants to know the process which is being followed to prepare the rate report.</p> <p>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>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 the Mouza map. I follow the videography of the area under acquisition. Compared the class wise rates of this Mouza in respect of Bari/Viti class of land with the rates of the adjacent Mouzas, i.e. Baruihida, J. L. No. 91 &amp; Paschim Bhatjungla, J. L. No. 90.</p>	

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10.09.2015	<p>The rate of Bari class of land of Mouza- Krishnagar is assessed as Rs.230744/- per dec., wherein Mouza- Baruihuda it is Rs.99711/- per dec. &amp; in Mouza Paschim Bhatjungla it is Rs.100741/- per dec.</p> <p>It is found on verification that the rates of Bari/Viti &amp; Dokan of Mouza Krishnagar are too much high in comparison to the rates of other adjacent mouzas i.e. Baruihuda &amp; Paschim Bhatjungla.</p> <p>Besides, from the videography, it is found that most of the plots of the mouja are low land and not at all of higher quality. Moreover, on scrutiny, it reveals that the sale rates, which have been taken up for consideration are land of far off area and these are situated in the heart of Krishnagar town. That is why, the rates of this mouza have been fixed abnormally high. Hence, I find not ground to enhance the rate.</p> <p><b>Therefore, I do hereby order that :-</b></p> <p>The rate of Bari/Viti and Bagan class of land of this Mouza will remain <b>unchanged</b> without any revision/modification.</p> <p>Thus, Thirty [30] arbitration petitions 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> <div style="text-align: center;">   [Vijay Bharti, IAS]  District Magistrate, Nadia  &amp;  Arbitrator u/s 3G[5] of N.H. Act, 1956 </div>	

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Corrected and  
signed by me

  
District  
Magistrate,  
Nadia,  
&  
Arbitrator u/s  
3G[5] of N.H.  
Act, 1956