






**ORDER SHEET**

(RULE 129 OF THE RECORDS MANUAL, 1971)

Order Sheet, dated from 25.08.2015 to \_District:- Nadia.Arbitration Case No. XV/Arbi/2015arising out of L. A. Case No. 77/LA/NHAI/Chak/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="113 477 261 544"><u>1</u> 25.08.2015</p> <p data-bbox="84 1016 277 1075">Dictated, Corrected and signed by me</p> <p data-bbox="105 1196 258 1532">             District Magistrate, Nadia, &amp; Arbitrator u/s 3G[5] of N.H. Act, 1956         </p>	<p data-bbox="300 477 1169 801">Whereas, it appears that <b>16 [Sixteen]</b> awardees of <b><u>Maheswarpur Mouza, J. L. No. 112 under P.S.- Chakdaha , Dist.- Nadia</u></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 Dokan class of land u/s 3G of the said Act.</p> <p data-bbox="300 842 1169 1128">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 03.09.2015 at 1:20 PM at the Nadia Zilla Parishad Conference Hall, Krishnagar, Nadia before me to participate in the arbitration hearing.</p> <p data-bbox="644 1223 1107 1460">             [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.
<u>2</u> 03.09.2015	Notices are duly served. Service returns are filed with the case records.	
Dictated, Corrected and signed by me		
	[Vijay Bharti, IAS] District Magistrate, Nadia & Arbitrator u/s 3G[5] of N.H. Act, 1956	
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.
<p>3 03.09.2015</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>Twelve [12] awardees in respect of Mouza Maheswarpur, J. L. No. 112, P.S.- Chakdaha 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., Chakdaha are also present. Ld. Advocate, Abhik Chakroborty is present on behalf of N.H.A.I.</p> <p>It is found that sixteen [16] 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.4161515/- per acre &amp; for Dokan it is Rs.3329212/- per acre.</p> <p>Advocate Prodig Mukherjee on behalf of the awardee No. 19, 20, 21, 22 &amp; 23 states that the rate of Mouza Maheswarpur has been fixed very low in comparison to the rates of other surrounding mouzas. He submits that his client has the shop at Shimurali Chownatha, i.e. at the junction point of two roads. But the rate of the plot has been assessed miserably low. He therefore, prays to enhance the rate and allow the rate of 2013, as the payment of this Mouza was made in the year 2013. He submits a regd. deed, executed in the year 2013, which shows that 210 Sqft. area of Dokan was sold in lieu of Rs.735000/-. The rate of one dec. area of Dokan as per the regd. Deed has come to Rs.1526000/- per dec. in the year 2013.</p> <p>Kumaruddin Mahato intimates that he did not receive the compensation money on protest for being the rate very much low.</p> <p>Anukul Pal &amp; Biswanth Ghosh submit that they are losing their shop and therefore they have no other way to survive. Hence, they prayed for appropriate compensation to settle themselves.</p> <p>They further want 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>	



Serial number and date of Order	Order and signature of Officer.	Note of action taken on Order.
03.09.2015	<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. But, no deed is found submitted by the awardees before me.</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. Compared the class wise rates of this Mouza in respect of Dokan class of land with the rates of the adjacent Mouzas, i.e. Rautari, J. L. No. 109 &amp; Tantgachhi, J. L. No. 113.</p> <p>The base rate of Bari class of land of Mouza- Maheswarpur is assessed as Rs.3329212/- per acre, wherein in Mouza- Rautari it is Rs.4647453/- per acre after arbitration &amp; in Mouza Tantgachhi it is Rs.2037785/- per acre after arbitration.</p> <p>The basic rate of Dokan class of land of Mouza Maheswarpur is found a little less than that of the adjacent Mouza Rautari. Actually Maheswarpur and Rautari are face to face on <del>is</del> both sides of NH-34.</p> <p>In my opinion, the basic rate of Dokan class of land in this Mouza should be revised for the sake of natural justice, as the Mouza Maheswarpur and Rautari are situated face to face, I think, the rate may be declared as same and identical with the arbitral rate of Mouza Rautari.</p> <p>In presence of the General Manager (Tech.) &amp; Project Director, National Highways Authority of India, Krishnagar, Nadia and Ld. Advocate Abhik Chakroborty in favour of N.H.A.I the rate is announced and they did not give any objection about the arbitral rate, as declared. On the other hand, the applicants are found agreed with the rate also.</p> <p><b>Hence, it is ordered that :-</b></p> <ol style="list-style-type: none"> <li>1] The rate of Dokan class of land will be taken as <b>Rs.4647453/-</b> per acre instead of Rs.3329212/- per acre.</li> <li>2] 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, sixteen [16] 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>	

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