

ORDER SHEET

(RULE 129 OF THE RECORDS MANUAL,1971)

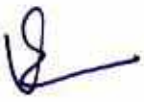
Order Sheet ,Dated from 07/01/2016



District : Nadia.


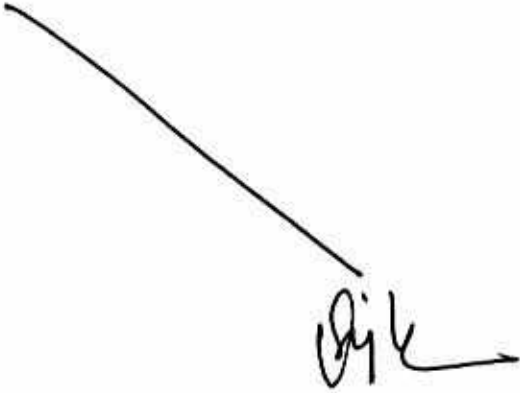
Arbitration Case No. III/Arbi/2016, IV/Arbi/2016 & V/Arbi/2016, arising out of


L.A. Case No. 86,88, & 89 /LA/NHAI/Hari/10-11.


Nature of the Case : Arbitration of **Muragachha Mouja, J.L. No. 8, Narayanpur Mouja. J.L. No. 15 & Balindi Mouja J.L. No 7 of P.S. Haringhata.**


Serial number and Date of Order	Order and Signature of Officer	Note of action taken on Order.
<p style="text-align: center;">1</p> <p>07.01.2016</p> <p>Dictated, Corrected and signed by me</p> <p style="text-align: center;"></p> <p>District Magistrate, Nadia, & Arbitrator u/s 3G[5] of N.H. Act, 1956</p>	<p>Whereas, it appears that 10 [Ten] awardees of Narayanpur Mouza, J. L. No.15, 29 [Twenty nine] awardees of Muragachha Mouja ,J.L. No. 8 and 64 [Sixty four] awardees for Balindi Mouja, J.L.No.7 under P.S.- Haringhata Dist. Nadia, 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, Bari/Viti, Dokan/Hotel & Garriage/Petrol Pump & Pukur class of land u/s 3G of the said Act.</p> <p>And, Whereas, it is prima-facie learnt from the L.A. Officials that the three Moujas Narayanpur, Muragachha & Balindi are situated closely beside the N.H.-34 having almost same economic and Social Status, and, considering the similarity of the three moujas, Competent Authority prepared the rate reports of the Moujas depending upon the same Sale data.</p>	

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<p style="text-align: center;"><u>1</u> 07.01.2016</p> <p>Dictated, Corrected and signed by me</p> <p style="text-align: center;"></p> <p style="text-align: center;">District Magistrate, Nadia, & Arbitrator u/s 3G[5] of N.H. Act, 1956</p>	<p>And whereas it prima-facie the three moujas should analogously be heard.</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 & Competent Authority under the said Act to arrange for issuance of notices to the petitioners of the three moujas for appearing on 14.01.2016 at 11:00 A.M. at the Nadia Zilla Parishad Conference Hall, Krishnagar, Nadia before me to participate in the arbitration hearing.</p> <p style="text-align: center;"></p> <p style="text-align: center;">[Vijay Bharti, IAS] District Magistrate, Nadia & Arbitrator u/s 3G[5] of N.H. Act, 1956</p>	

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<p style="text-align: center;"><u>2</u> 07.01.2016</p> <p>Dictated, Corrected and signed by me</p>  <p>District Magistrate, Nadia, & Arbitrator u/s 3G[5] of N.H. Act, 1956</p>	<p>Notices are duly served. Service returns are filed with the case records.</p>  <p>[Vijay Bharti, IAS] District Magistrate, Nadia & Arbitrator u/s 3G[5] of N.H. Act, 1956</p>	

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<p style="text-align: center;">3</p> <p>14.01.2016</p> <p>Dictated, Corrected and signed by me</p>  <p>District Magistrate, Nadia,</p> <p>&</p> <p>Arbitrator u/s 3G[5] of N.H. Act, 1956</p>	<p style="text-align: center;">The cases are placed before me today.</p> <p>On verification of available documents, it is found that 64 (Sixty four), 29 (twenty nine) & 10(Ten) Awardees have filed Arbitration petitions for the Moujas Balindi, Muragachha & Narayanpur respectively.</p> <p>Out of the applicants 26 (Twenty six), 27 (Twenty seven) & 06 (Six), numbers of applicants were present in hearing in connection with moujas Balindi, Muragachha and Narayanpur respectively and it is found that in Narayanpur Mouja the applicants have prayed for enhancement of rate of Aush/Aman, & Bari/Viti Class of land, in Mouja Muragachha for Aush/Aman, Bari/Viti, Dokan/Hotel, Garrage/Petrol Pump & Pukur Class of land and In Mouja Balindi for Aush/Aman, Bari/Viti & Dokan/Hotel class of land. The rates of Aush /Aman & Bari/Viti Class of land of Narayanpur Mouja were Rs. 44,90,571/- & Rs. 57,32,920/-per acre respectively . In case of Muragachha Mouja the rate of Aush/Aman, Bari/Viti, Dokan /Hotel and Garrage & Petrol Pump were Rs. 40,90,571/-, Rs. 57,32,920/-,Rs. 41,94,803/- & Rs. 57,32,920/- respectively and in case of Balindi Mouja the rate of Aush/Aman, Bari/Viti & Dokan/Hotel class of land were Rs. Rs.46,90,571/-, Rs. 57,32,920/- and Rs. 45,86,336/- respectively.</p> <p>I direct the Competent Authority & 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</p>	

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<p style="text-align: center;">3</p> <hr/> <p style="text-align: center;">14.01.2016</p> <p>Dictated, Corrected and signed by me</p>  <p>District Magistrate, Nadia, & Arbitrator u/s 3G[5] of N.H. Act, 1956</p>	<p>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.</p> <p>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>Ld. Advocate Sunandar Sarkar & Sanjib Kumar Chowdhuri have appeared on behalf of NHAI in respect of all the three Moujas. Ld. Advocate Tathagata Biswas appears on behalf of Awardee No3,39,18,18A,59,59A in respect of Mouja Muragachha.</p> <p>Viewed the vedigraphy of the three Moujas including the alignment map and found only 2 plots of Mouja Narayanpur have been acquired and in respect of Mouja Muragachha & Balindi , the figure is 53 & 8 .</p>	

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14.01.2016	<p>From the block-map, it is found appropriate to hear the petitions of Narayanpur Mouja, Muraghachha Mouja & Balindi Mouja hearing analogously for the reasons (1) All the Moujas are closely situated (2) The Social & economic status are more or less same. (3) During preparation of rate report competent Authority have approved same rate for Aush/Aman Class of land of the Moujas.</p>	
<p>Dictated, Corrected and signed by me</p>	<p>One Atair Rahaman (Awardee No. 4) of Mouja Narayanpur prays to increase the rate of his Mouja.</p> <p>One Sahabuddin Mondal of Balndi intimates that for his plot which has been acquired, he has been allowed the rate of Aush, though there stands a Hotel. I request the L.A. Officials to look into the matter and to do the needful.</p>	
	<p>Ld. Advocate Utsoraj Mukhjerjee states that in the year 2010 an Aman Plot with area of 2.5 dec. of Mouja Muragachha has been transferred at a consideration value of Rs. 7,80,000/-. He prays to allow the market value of Aman in tune of the Regd. Deed.</p>	
<p> District Magistrate, Nadia, & Arbitrator u/s 3G[5] of N.H. Act, 1956</p>	<p>Ld. Advocate, Tathagata Biswas on behalf of his client of Muragachha Mouja states that the rate of Dokan Class of land is very low in comparison to the market value of 2009-10 when the land was acquired. During preparation of Rate report, the sale deeds with area of Aush Class of land below 5 dec. and Bari/Viti Class of land below 2.5 dec. have not been considered following the guideline of order No / 16 SS (S) -LA-3M-43-2000 (pt-II) dt. 21.7.2005 Land & Land Reforms Deptt. This is the reason for the poor rate.</p>	

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3

14.01.2016

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Corrected and
signed by me**



**District
Magistrate,
Nadia,**

&

**Arbitrator u/s
3G[5] of N.H.
Act, 1956**

But where very small area of both Aush/Aman and Bari/Viti are being acquired it is not at all justified to exclude small areas on the plea of the above Govt. Order. He further states that people are to deposit stamp duty on assess value as fixed by ADSR, Kalyani but he is allowed the rate very less than that

One Md. Daud of Muragachha states that land value which has been paid to him is very much low. He states that he was allowed very low rate.

On verification of Rate Report, of the 3 moujas , it is found that the Sale data, received from the ADSR are to much few in Mouja Muragachha and Narayanpur and therefore rate report has been prepared on the basis of


Sale data of Mouja Balindi only. The rate report of Mouja Narayanpur & Murgachha have just followed the rate of Balindi as all the three Moujas are adjacent to each other and nature of land of the mouja are same.



To make the land value of Aush/ Aman, I think 02 sale data from Mouja Blindi & 01 from Muragachha may be considered.

Mouja	Deed No & Date	Class of land	Area (in acre)	Amount	Rate for one acre
Balindi	I-0144 Dt.26.6.09	Aman	0.04375	2,65,000/-	6057143/-
Balindi	I-02039 Dt.13.10.09	Aush	0.07	2,48,000/-	3542857/-
Muragachha	I-02305. Dt.1.3.10	Shali	31.5	17,87,500/	5674600/-
				Total	15274600/-

Average of the above, three (3) comes to Rs. 50, 91,533/- or say Rs. 51, 00,000=00 per acre.

To determine the Bari/Viti Class of land, I verify the sale data of Mouja Balindi , Murgachha & Narayanpur and consider 02 sale data of Mouja muragachha, J.L.No.08

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<p style="text-align: center;">3</p> <hr/> <p>14.01.2016</p> <p style="text-align: right;">Dictated, Corrected and signed by me</p>  <p>District Magistrate, Nadia, & Arbitrator u/s 3G[5] of N.H. Act, 1956</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 20%;">Mouja</th> <th style="width: 20%;">Deed No & Date</th> <th style="width: 10%;">Class of land</th> <th style="width: 15%;">Area (in acre)</th> <th style="width: 15%;">Rate for one acre</th> </tr> </thead> <tbody> <tr> <td>Muragachha</td> <td>I-02444 Dt.9.3.10</td> <td>Bari</td> <td>0.21</td> <td>6666,666/</td> </tr> <tr> <td style="text-align: center;">-do-</td> <td>I-02190 Dt.4.3.09</td> <td>Bari</td> <td>0.0106</td> <td>6300,000/</td> </tr> <tr> <td colspan="5" style="text-align: center;">Total Rs. 1,29,66,666/-</td> </tr> </tbody> </table> <p>Average of the above two (2) comes to Rs. 64, 83,333/- or say Rs 65, 00,000=00 per acre.</p> <p>Following the Govt. Order No. 66/SS(S)-LA-3M-43-2000 (pt-III) dt. 21.7.2005 of the L&LR Deptt. the Dokan class of land may be allowed 80% of Bari/Vit, as sufficient Sale Data of Bari/Viti is not found available .</p> <p>The General Manager (Tech) & Project Director, National Highways Authority of India or the Ld. Advocate, present of his behalf did not raise any question in determination of arbitral rate.</p> <p>Hence, it is ordered that :-</p> <ol style="list-style-type: none"> 1. The rate of Aush/Aman Class of land of Mouja Balindi, Muragachha & Narayanpur will be taken as Rs. 51,00,000/- per acre instead of Rs.46,90,571/- per acre. 2. The rate of Bari/Viti Class of land of Mouja Balindi, Muragachha & Narayanpur will be taken as 65,00,000/- per acre instead of Rs. 57,32,920/- per acre . 3. The Dokan Class of land of the moujas will be taken as 80% of Bari/Viti class land i.e. Rs. 52,00,000/- per acre. Instead of previous rate. 					Mouja	Deed No & Date	Class of land	Area (in acre)	Rate for one acre	Muragachha	I-02444 Dt.9.3.10	Bari	0.21	6666,666/	-do-	I-02190 Dt.4.3.09	Bari	0.0106	6300,000/	Total Rs. 1,29,66,666/-					
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3	<p>4. The rate of remaining classes in respect of the above moujas will remain the same.</p> <p>5. 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> <p>Thus, One hundred & Three [103] arbitration petitions of three moujas [i.e. Narayanpur- 10(Ten) , Muragachha- 29(Twenty nine) and Balindi – 64 (Sixty four) petitions] are disposed of.</p> <p>Let this order be communicated by the Competent Authority, N.H.A.I. & 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 & Arbitrator u/s 3G[5] of N.H. Act, 1956 </div>	
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