

ORDER SHEET

(Rule 129 of the Records Manual, 1917)

District : **Nadia. L.A. Case No. 57 LA/NHAI/Santi/10-11**

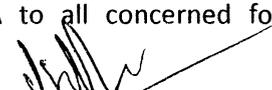
Nature of the case : **Arbitration Case No. XI-Arbi/2014**

Serial number and Order	Order and signature of officer	Note of action taken on date
1 of 11.12.2014	<p>The Arbitration Case No. XI-Arbi/2014 has been taken up for hearing at Nadia Zilla Parishad Conference Hall, Krishnanagar at about 3.00 P.M. It relates to 124 arbitration petitions of Mouza – Nabla, 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 26.08.2013.</p> <p>Heard the petitioners, Ld. Advocates, who are representing some petitioners, representative of the Project Director, NHAI, PIU, Krishnanagar, Nadia, 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 NH-34 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, Dokan/hotel/bagan, bans bagan & doba.</p>	

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3 of 29.12.2014	<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. 1-596 dated 10.02.2010, 1-2230 dated 05.05.2010(2 entries), 1-4441 dated 22.10.2009, 1-1413 dated 17.03.2010 & 1-476 dated 29.01.2010 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="316 904 1219 1272"> <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">Udaypur, 73</td> <td>1</td> <td>136</td> <td>1-919 / 19.02.2010</td> <td>Aush</td> <td>0.35</td> <td>492758</td> <td>1407880</td> </tr> <tr> <td>2</td> <td>174</td> <td>1-2656 / 24.06.2009</td> <td>Aman</td> <td>0.15</td> <td>225000</td> <td>1500000</td> </tr> <tr> <td>3</td> <td>242</td> <td>1-952 / 24.02.2010</td> <td>Aush</td> <td>0.1666</td> <td>206639</td> <td>1240330</td> </tr> <tr> <td>4</td> <td>230</td> <td>1-5743 / 15.12.2009</td> <td>Aush</td> <td>0.20</td> <td>320000</td> <td>1600000</td> </tr> <tr> <td colspan="7"></td> <td>5748210</td> </tr> </tbody> </table> <p>Average per acre land value = Rs. 14,37,053/- + 10% for having direct road connectivity = Rs. 1,43,705/- + 25% for being multi-crop land = Rs. 3,59,263/-</p> <p>So, per acre basic rate arrives at = Rs. 19,40,021/- in place of the rate of Rs. 13,48,068/- 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.	Udaypur, 73	1	136	1-919 / 19.02.2010	Aush	0.35	492758	1407880	2	174	1-2656 / 24.06.2009	Aman	0.15	225000	1500000	3	242	1-952 / 24.02.2010	Aush	0.1666	206639	1240330	4	230	1-5743 / 15.12.2009	Aush	0.20	320000	1600000								5748210	
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<p>1 of 1</p> <p>12.12.2014</p> <p>Dictated & corrected by me</p>  <p>Arbitrator</p>	<p>As regards the value of bans bagan & doba class of land, 80% of the value assessed for aush/aman is taken as the value for the bans bagan class of land because no sale figure is available with the ADSR.</p> <p>So, per acre basic rate for bans bagan & doba class of land arrives at = Rs. 15,52,017/-, in place of the rate of Rs. 8,78,741/- for bans bagan and Rs. 10,98,426/- for doba class fixed by the CALA.</p> <p>As regards bari/viti, doakn/hotel/bagan classes of land, the per acre basic rates fixed at Rs. 1,18,28,975/- & Rs. 94,63,180/- respectively appear to be quite reasonable. So, these rates need not be changed/enhanced.</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. 19,40,021/- per acre. ii) The rates for viti/bari & dokan/hotel/bagan assessed by the CALA appear to be quite reasonable. So, the rates will remain unchanged. iii) The petitioners having bans bagan & doba class of land will get basic price of Rs. 15,52,017/- per acre. 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 NHAI. 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. <p>Thus, 124 arbitration petitions are disposed of.</p> <p>Let this order be communicated by the CALA to all concerned for information and compliance.</p> <div style="text-align: right;">  <p>(K. Mochhary) Arbitrator (under NH Act, 1956) & Additional Secretary L & L.R. Department</p> </div>	