

Palagachha

ORDER SHEET

(Rule 129 of the Records Manual, 1917)

District : Nadia. L.A. Case No. 69 LA/NHAI/Chak/10-11  
Nature of the case : Arbitration Case No. II-Arbi/2014

Number  
of order

of  
10.05.2014

Order and signature of officer	Note of action taken on date
<p>The Arbitration Case No. II-Arbi/2014 has been taken up for hearing at Nadia Zilla Parishad Conference Hall, Krishnanagar at about 12-00 noon. It relates to 106 arbitration petitions of Mouza - Palagachha, P.S. - Chakdaha, 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 03.02.2010 and the declaration of award was done on 10.05.2013.</p> <p>Heard the petitioners, Ld. Advocates, who are representing some petitioners, Project Director, NHAI, PIU, Krishnanagar, Nadia, Ld. Advocate appearing for NHAI, 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, Bagan, Danga &amp; Itkhola/Talikhola.</p>	

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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.

2 (two) sale figures of Aman / Aush land vide sale deed no. 1-3229 dated 08.0-9.2009 of Rs. 20,00,000/- per acre (area 0.30 acre) & 1-1675 dated 28.04.2008 of Rs. 20,85,000/- per acre (area 0.20 acre) have been submitted at the time of hearing by some petitioners. These sale figures have been added with the existing sale figures taken by the CALA as shown below to re-assess the 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.
Palagachha, 13	1	62	1-3757 / 30.10.2009	Aush	0.30	303000	1010090
	2	63	1-03758 / 30.10.2009	Aush	0.49	496000	1012245
	3	76	1-03757 / 30.10.2009	Aush	0.41	415000	1012195
	4	98	1-03758 / 30.10.2009	Aush	0.21	213000	1014285
	5	99	1-03758 / 30.10.2009	Aush	0.20	203000	1015000
	6	102	1-03758 / 30.10.2009	Aush	0.79	800000	1012658
Fatta, 51	7	56	1-00404 / 25.01.2010	Aush	0.35	532000	1520000
	8	50	1-431 / 25.01.2010	Aush	0.15	62000	413333
	9	51	1-3812 / 06.11.2009	Aush	0.34	140000	411765
Chandrapur, 06	10	01	1-2414 / 06.07.2009	Aush	0.11	57000	518182
Palagachha, 13	11		1-3329 / 09.09.2009	Aman	0.30	600000	2000000
	12		1-1675 / 28.04.2008	Aman	0.20	417000	2085000
							13024664

Average per acre land value = Rs. 10,85,389/-  
 + 10% for having direct road connectivity = Rs. 1,08,539/-  
 + 25% for being multi-crop land = Rs. 2,71,347/-

So, per acre basic rate arrives at = Rs. 14,65,275/- in place of the rate of Rs. 12,06,855/- fixed by the CALA.

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Sale figures of Bari / Viti land pertaining to sale deed no.1-01457 dated 26.03.2010 & 1-00085 dated 06.01.2010 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.
Palagachha, 13	1	27	1-01498 / 31.03.2010	Viti	0.112	650000	5803571
	2	85	1-04468 / 11.12.2009	Viti	0.0516	300000	5813953
	3	86	1-00314 / 19.01.2010	Viti	0.050	300000	6000000
	4	87	1-01918 / 03.05.2010	Viti	0.0516	340000	6589147
	5	26	1-1496 / 31.03.2010	Viti	0.10	520000	5200000
Mahanala, 07	6	8	1-04650 / 22.12.2009	Viti	0.02225	115000	5168539
	7	10	1-4650 / 22.12.2009	Viti	0.019	95000	5000000
Tatla, 24	8	24	1-1454 / 26.03.2010	Viti	0.05	225000	4500000
							44075210

Average per acre land value = Rs. 55,09,401/-

+ 10% for having direct road connectivity = Rs. 5,50,940/-

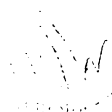
So, per acre basic rate arrives at = Rs. 60,60,341/-, in place of the rate of Rs. 58,36,555/- fixed by the CALA.

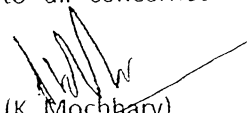
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<p>As regards the value of Bagan class of land, 80% of the value assessed for viti / bari is taken as the value for the bagan class of land where only 2 sale figures is available with the ADSR.</p> <p>So, per acre basic rate for bagan class of land arrives at = Rs. 48,48,273/-, in place of the rate of Rs. 46,69,244/- fixed by the CALA.</p> <p>As regards the value of danga class of land, the per acre basic rate should be equal to the rate of aush/aman class assessed at Rs. 14,65,275/- in place of Rs. 12,06,855/- fixed by the CALA, as at present this class of land has, more or less, the same potential.</p> <p>As regards the value of Itkhola/Talikhola class of land, the per acre basic rate has been assessed by the CALA equal to the rate of adjacent aush/aman class of land, as no sale figure of this class is available with the ADSR.</p> <p>So, per acre basic rate of itkhola/talikhola land will be equal to that of aush/aman land at Rs. 14,65,275/- in place of Rs. 12,06,855/- 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. 14,65,275/- per acre.</li><li>ii) The petitioners having Viti / Bari class of land will get basic price of Rs. 60,60,341/- per acre.</li><li>iii) The petitioners having bagan class of land will get basic price of Rs. 48,48,273/- per acre.</li><li>iv) The petitioners having itkhola/talikhola class of land will get basic price of Rs. 14,65,275/- per acre.</li><li>v) 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.</li><li>vi) 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, 106 arbitration petitions are disposed of. 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>	